

**From:** Patrick Gearman  
**To:** Microsoft ATR  
**Date:** 1/23/02 10:57am  
**Subject:** Microsoft settlement

To whom it may concern:

Under the provisions of the Tunney Act, public opinion on proposed settlements can be considered by the court. Therefore, again under the provisions of the Tunney Act, I am sending the following comments to be considered by the court.

I feel that the current proposed settlement against Microsoft is not in the public's interest. Among my issues with the Revised Proposed Settlement are the following:

1) Section IV: Compliance and Settlement Practices, Part C: Appointment of a Microsoft Internal Compliance Officer. I feel that the Microsoft Compliance Officer should not be a person designated by Microsoft, and not an employee. Microsoft has shown a pattern of action that has demonstrated that they will lie when it is their best interest. The testimony during the initial trial by Microsoft corporate officers, especially regarding the supposed interdependency of the Windows OS and the Internet Explorer web browser was shown to be falsified. Because of this, and other reasons, I personally feel that Microsoft will not hold to the proposed settlement with regards to this position.

2) Section V: Termination, Part A: The length of the settlement, at five years, prior to any extension ordered by the court, in my opinion, is too short. Given the position that Microsoft is in, as regards the desktop OS market share, five years is not long enough, in my opinion, to be enough of a timespan in order to ensure Microsoft complies fully with the ordered settlement.

3) Section III: Prohibited Conduct, Part J: The proposed settlement does not require Microsoft to document, disclose, or license any of their APIs, Documentation, or portions or layers of communications Protocols the disclosure of which would compromise the security of a particular installation or group of installations of anti-piracy, anti-virus, software

licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria.

This portion allows Microsoft to continue to "cut out the middle-man" by continuing to obfuscate their code, make it more difficult for other software makers to create programs that work with the Windows OS, and hide security flaws with their OS software, as they have already done in the past.

It is not in the public's best interest for this to continue, and I believe that a harsher punishment is required in order to effectively curtail Microsoft's previous behavior.

Patrick Gearman  
1230 Pendleton Street, Apt. 14-D  
Columbia, SC 29201

Find the best deals on the web at AltaVista Shopping!  
<http://www.shopping.altavista.com>